

**Executive Summary – Enforcement Matter – Case No. 46719**

**Motiva Enterprises LLC**

**RN100209451**

**Docket No. 2013-0885-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Port Arthur Refinery, 2555 Savannah Avenue, Port Arthur, Jefferson County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos.: 2012-0331-AIR-E,  
2013-2189-AIR-E and 2014-0336-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 14, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$35,689

**Amount Deferred for Expedited Settlement:** \$7,137

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$14,276

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$14,276

Name of SEP: Southeast Texas Regional Planning Commission

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46719**  
**Motiva Enterprises LLC**  
**RN100209451**  
**Docket No. 2013-0885-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 10, 2012, October 22, 2012, February 15, 2013, and May 15, 2013

**Date(s) of NOE(s):** October 23, 2012, December 5, 2012, April 2, 2013, and July 12, 2013

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,714.2 pounds ("lbs") of volatile organic compounds ("VOC"), 22.5 lbs of nitrogen oxides ("NOx"), 166.01 lbs of carbon monoxide ("CO"), 61.38 lbs of hydrogen sulfide ("H<sub>2</sub>S"), 132.3 lbs of sulfur dioxide ("SO<sub>2</sub>"), 166.5 lbs of ethylene, 1,974 lbs of propylene, and 911.2 lbs of hazardous air pollutants from various emission points within the #3 Fluid Catalytic Cracking Unit ("FCCU"), during an emissions event (Incident No. 177442) that began on December 23, 2012 and lasted for two hours. The event occurred during start up of the #3 FCCU, when FCCU tail gas and off-specification propane from the Vapor Pipe Still 5 ("VPS5") were simultaneously routed to the refinery fuel gas system. This caused an over pressure of the refinery fuel gas system that resulted in flaring and two pressure relief valves venting light hydrocarbons to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 8404, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. 01386, General Terms & Conditions ("GTC") and Special Terms & Conditions ("STC") Nos. 1A and 5].
2. Failed to submit an initial notification for Incident No. 182149 no later than 24 hours after the discovery of the emissions event. Specifically, the emissions event began on April 25, 2013 at 4:34 p.m., but the initial notification was not submitted until April 26, 2013 at 4:54 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01386, GTC and STC No. 1A].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,223.10 lbs of SO<sub>2</sub>, 81.60 lbs of propylene, 54.10 lbs of NOx, 13.30 lbs of H<sub>2</sub>S, 390.40 lbs of CO, and 879.9 lbs of other VOC from the Delayed Coking Unit Flare [Emission Point Number ("EPN"). EDCU-1], during an emissions event (Incident No. 182149) that began on April 25, 2013 and lasted for 19 hours and 18 minutes. The event occurred during start up of the Delayed Coking Unit. A process upset resulted in over pressuring of the Naptha Splitter Surge Drum, resulting in flaring. Since the emissions event was not reported within 24 hours of discovery, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE

**Executive Summary – Enforcement Matter – Case No. 46719**

**Motiva Enterprises LLC**

**RN100209451**

**Docket No. 2013-0885-AIR-E**

§§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 8404, SC No. 1, and FOP No. O1386, GTC and STC Nos. 1A and 5].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1.44 lbs of VOC, 1,786.36 lbs of SO<sub>2</sub>, 1.45 lbs of particulate matter ("PM"), 15.55 lbs of NO<sub>x</sub>, 0.06 lb of H<sub>2</sub>S, and 52.44 lbs of CO from the Tail Gas Treating Unit ("TGTU") No. 1 Incinerator (EPN STGTU1-1), during an emissions event (Incident No. 172374) that began on August 15, 2012 and lasted for 16 hours and 20 minutes. The event occurred during start up of the Sulfur Recovery Unit 2 ("SRU2") and TGTU No. 1. As acid gas flowed through the unit, SO<sub>2</sub> started increasing at the incinerator stack and the Hydrogen Reactor's bed temperature started rising. The Hydrogen Reactor's bed temperature tripped, and SRU2 diverted to the incinerator. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 1, and FOP No. O3387, GTC and STC No. 18].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.93 lb of SO<sub>2</sub>, 30.25 lbs of PM, 0.47 lb of NO<sub>x</sub>, 0.60 lb of hexanes, 31.65 lbs of CO, and 2.42 lbs of other VOC from the VPS5 fugitive emissions (EPN FVPS5) and released 77.48 lbs of SO<sub>2</sub>, 2,518.08 lbs of PM, 38.74 lbs of NO<sub>x</sub>, 0.28 lb of H<sub>2</sub>S, 64.41 lbs of hexanes, 2,634.30 lbs of CO, and 200.73 lbs of other VOC from the VPS5 No. 1/2 Atmospheric Heater (EPN SVPS5-1), during an emissions event (Incident No. 169481) that began on June 9, 2012 and lasted for 30 minutes. The event occurred when VPS5 was accidentally contaminated with high levels of sodium hydroxide, which caused cracks in piping and other parts of VPS5, resulting in emissions to the atmosphere from the Atmospheric Heater and fugitive sources. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 1, and FOP No. O3387, STC No. 18].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent has completed the following:

- a. On November 8, 2012, updated start-up procedures to verify that the level controller is lined up once the thermal reactor burner is lit to prevent recurrence of emissions events due to same or similar causes as Incident No. 172374;
- b. On December 3, 2012, made improvements to the caustic injection skid to prevent recurrence of emissions events due to same or similar causes as Incident No. 169481;

**Executive Summary – Enforcement Matter – Case No. 46719**  
**Motiva Enterprises LLC**  
**RN100209451**  
**Docket No. 2013-0885-AIR-E**

- c. On June 24, 2013, changed alarm to high priority at 355 degrees Fahrenheit and added the temperature indicator for E-22 outlet/Surge Drum inlet temperature to more schematics in the Plant's proactive monitoring tools to prevent recurrence of emissions events due to same or similar causes as Incident No. 182149; and
- d. On July 1, 2013, developed emission calculation templates to better determine the approximate emissions from an event within the required timeframe and instructed emission calculation preparers to provide best conservative estimates for emissions from events when calculations of actual emissions will extend beyond the 24-hour period of discovery for the event.

**Technical Requirements:**

- 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will require the Respondent to:
  - a. Within 30 days, implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 177442; and
  - b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Greg Willms, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641  
**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2013-0885-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Motiva Enterprises LLC</b>
<b>Penalty Amount:</b>	<b>Twenty-Eight Thousand Five Hundred Fifty-Two Dollars (\$28,552)</b>
<b>SEP Offset Amount:</b>	<b>Fourteen Thousand Two Hundred Seventy-Six Dollars (\$14,276)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

Motiva Enterprises LLC  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### **5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

## **6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**  
**DATES**

**Assigned** 8-Apr-2013  
**PCW** 19-Nov-2013  
**Screening** 25-Apr-2013  
**EPA Due** 28-Dec-2013

## RESPONDENT/FACILITY INFORMATION

**Respondent** Motiva Enterprises LLC  
**Reg. Ent. Ref. No.** RN100209451  
**Facility/Site Region** 10-Beaumont  
**Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 46719  
**Docket No.** 2013-0885-AIR-E  
**Media Program(s)** Air  
**Multi-Media**  
**No. of Violations** 5  
**Order Type** 1660  
**Government/Non-Profit** No  
**Enf. Coordinator** Amancio R. Gutierrez  
**EC's Team** Enforcement Team 5  
**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$19,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 100.0% Enhancement **Subtotals 2, 3, & 7** \$19,000

**Notes** Enhancement for three NOV's with same or similar violations, nine orders with a denial of liability, and one order without a denial of liability. Reduction for seven notices of intent to conduct an audit and two disclosures of violations.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$2,311

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$492  
Approx. Cost of Compliance \$16,750  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$35,689

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$35,689

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$35,689

**DEFERRAL** 20.0% Reduction **Adjustment** -\$7,137

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$28,552

Screening Date 25-Apr-2013

Docket No. 2013-0885-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 46719

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 209%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same or similar violations, nine orders with a denial of liability, and one order without a denial of liability. Reduction for seven notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 209%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 25-Apr-2013

Docket No. 2013-0885-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 46719

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

## Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 8404, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. 01386, General Terms & Conditions ("GTC") and Special Terms & Conditions ("STC") Nos. 1A and 5

## Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,714.2 pounds ("lbs") of volatile organic compounds ("VOC"), 22.5 lbs of nitrogen oxides ("NOx"), 166.01 lbs of carbon monoxide ("CO"), 61.38 lbs of hydrogen sulfide ("H2S"), 132.3 lbs of sulfur dioxide ("SO2"), 166.5 lbs of ethylene, 1,974 lbs of propylene, and 911.2 lbs of hazardous air pollutants from various emission points within the #3 Fluid Catalytic Cracking Unit ("FCCU"), during an emissions event (Incident No. 177442) that began on December 23, 2012 and lasted for two hours. The event occurred during start up of the #3 FCCU, when FCCU tail gas and off-specification propane from the Vapor Pipe Still 5 ("VPS5") were simultaneously routed to the refinery fuel gas system. This caused an over pressure of the refinery fuel gas system that resulted in flaring and two pressure relief valves venting light hydrocarbons to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events

1

1

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$312

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

# Economic Benefit Worksheet

Respondent Motiva Enterprises LLC  
 Case ID No. 46719  
 Reg. Ent. Reference No. RN100209451  
 Media Air  
 Violation No. 1

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	23-Dec-2012	23-Mar-2014	1.25	\$312	n/a	\$312

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 177442. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$312

Screening Date 25-Apr-2013

Docket No. 2013-0885-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 46719

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. 01386, GTC and STC No. 1A

## Violation Description

Failed to submit an initial notification for Incident No. 182149 no later than 24 hours after the discovery of the emissions event. Specifically, the emissions event began on April 25, 2013 at 4:43 p.m., but the initial notification was not submitted until April 26, 2013 at 4:54 p.m.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$62

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on July 1, 2013, before the July 12, 2013 NOE.

Violation Subtotal \$188

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC  
**Case ID No.** 46719  
**Reg. Ent. Reference No.** RN100209451  
**Media** Air  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$750	26-Apr-2013	1-Jul-2013	0.18	\$7	n/a	\$7

## Notes for DELAYED costs

Estimated cost to develop emission calculation templates to better determine the approximate emissions from an event within the required timeframe and instruct emission calculation preparers to provide best conservative estimates for emissions from events when calculations of actual emissions will extend beyond the 24 hour period of discovery for the event. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$7

Screening Date 25-Apr-2013

Docket No. 2013-0885-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 46719

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health &amp; Safety Code § 382.085(b), NSR Permit No. 8404, SC No. 1, and FOP No. 01386, GTC and STC Nos. 1A and 5

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,223.10 lbs of SO<sub>2</sub>, 81.60 lbs of propylene, 54.10 lbs of NO<sub>x</sub>, 13.30 lbs of H<sub>2</sub>S, 390.40 lbs of CO, and 879.9 lbs of other VOC from the Delayed Coking Unit Flare [Emission Point Number ("EPN") EDCU-1], during an emissions event (Incident No. 182149) that began on April 25, 2013 and lasted for 19 hours and 18 minutes. The event occurred during start up of the Delayed Coking Unit. A process upset resulted in over pressuring of the Naptha Splitter Surge Drum, resulting in flaring. Since the emissions event was not reported within 24 hours of discovery, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on June 24, 2013, before the July 12, 2013 NOE.

Violation Subtotal \$2,813

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC

**Case ID No.** 46719

**Reg. Ent. Reference No.** RN100209451

**Media** Air

**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	25-Apr-2013	24-Jun-2013	0.16	\$41	n/a	\$41

**Notes for DELAYED costs**

Estimated cost to change the alarm to high priority at 355 degrees Fahrenheit and add the temperature indicator for E-22 outlet/Surge Drum inlet temperature to more schematics in the Plant's proactive monitoring tools. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$41



Screening Date 25-Apr-2013

Docket No. 2013-0885-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 46719

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 1, and FOP No. 03387, GTC and STC No. 18

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1.44 lbs of VOC, 1,786.36 lbs of SO<sub>2</sub>, 1.45 lbs of particulate matter ("PM"), 15.55 lbs of NO<sub>x</sub>, 0.06 lb of H<sub>2</sub>S, and 52.44 lbs of CO from the Tail Gas Treating Unit ("TGTU") No. 1 Incinerator (EPN STGTU1-1), during an emissions event (Incident No. 172374) that began on August 15, 2012 and lasted for 16 hours and 20 minutes. The event occurred during start up of the Sulfur Recovery Unit 2 ("SRU2") and TGTU No. 1. As acid gas flowed through the unit, SO<sub>2</sub> started increasing at the incinerator stack and the Hydrogen Reactor's bed temperature started rising. The Hydrogen Reactor's bed temperature tripped, and SRU2 diverted to the incinerator. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$937

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on November 8, 2012, before the December 5, 2012 NOE.

Violation Subtotal \$2,813

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

# Economic Benefit Worksheet

Respondent Motiva Enterprises LLC

Case ID No. 46719

Reg. Ent. Reference No. RN100209451

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	15-Aug-2012	8-Nov-2012	0.23	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to update start-up procedures to verify that the level controller is lined up once the thermal reactor burner is lit. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$12

Screening Date 25-Apr-2013

Docket No. 2013-0885-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 46719

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 1, and FOP No. O3387, STC No. 18

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.93 lb of SO<sub>2</sub>, 30.25 lbs of PM, 0.47 lb of NO<sub>x</sub>, 0.60 lb of hexanes, 31.65 lbs of CO, and 2.42 lbs of other VOC from the VPS5 fugitive emissions (EPN FVPS5) and released 77.48 lbs of SO<sub>2</sub>, 2,518.08 lbs of PM, 38.74 lbs of NO<sub>x</sub>, 0.28 lb of H<sub>2</sub>S, 64.41 lbs of hexanes, 2,634.30 lbs of CO, and 200.73 lbs of other VOC from the VPS5 No. 1/2 Atmospheric Heater (EPN SVPS5-1), during an emissions event (Incident No. 169481) that began on June 9, 2012 and lasted for 30 minutes. The event occurred when VPS5 was accidentally contaminated with high levels of sodium hydroxide, which caused cracks in piping and other parts of VPS5, resulting in emissions to the atmosphere from the Atmospheric Heater and fugitive sources. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$375

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed corrective measures on December 3, 2012, after the October 23, 2012 NOE.

Violation Subtotal \$3,375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$121

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC  
**Case ID No.** 46719  
**Reg. Ent. Reference No.** RN100209451  
**Media** Air  
**Violation No.** 5

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	9-Jun-2012	3-Dec-2012	0.48	\$121	n/a	\$121

Notes for DELAYED costs

Estimated cost to make improvements to the caustic injection skid. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$121



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600124051, Motiva Enterprises LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	4.08
<b>Regulated Entity:</b>	RN100209451, PORT ARTHUR REFINERY	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	12.51
<b>Complexity Points:</b>	53	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	02 - Oil and Petroleum Refineries				
<b>Location:</b>	2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

**ID Number(s):**

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0095D  
**AIR OPERATING PERMITS** PERMIT 3387  
  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30121  
**WASTEWATER** PERMIT WQ0000414000  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1230079

**AIR OPERATING PERMITS** PERMIT 1386  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD008097529  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50188  
  
**WASTEWATER** EPA ID TX0005835  
**AIR NEW SOURCE PERMITS** REGISTRATION 48503

**AIR NEW SOURCE PERMITS** REGISTRATION 48504  
**AIR NEW SOURCE PERMITS** REGISTRATION 48506  
**AIR NEW SOURCE PERMITS** REGISTRATION 49333  
**AIR NEW SOURCE PERMITS** REGISTRATION 49477  
**AIR NEW SOURCE PERMITS** REGISTRATION 49912  
**AIR NEW SOURCE PERMITS** REGISTRATION 50158  
**AIR NEW SOURCE PERMITS** PERMIT 3415  
**AIR NEW SOURCE PERMITS** REGISTRATION 7160  
**AIR NEW SOURCE PERMITS** REGISTRATION 8210  
**AIR NEW SOURCE PERMITS** REGISTRATION 23943  
**AIR NEW SOURCE PERMITS** REGISTRATION 24148  
**AIR NEW SOURCE PERMITS** REGISTRATION 24081  
**AIR NEW SOURCE PERMITS** REGISTRATION 29244  
**AIR NEW SOURCE PERMITS** REGISTRATION 31590  
**AIR NEW SOURCE PERMITS** REGISTRATION 34500  
**AIR NEW SOURCE PERMITS** REGISTRATION 38931  
**AIR NEW SOURCE PERMITS** REGISTRATION 40494  
**AIR NEW SOURCE PERMITS** REGISTRATION 41443  
**AIR NEW SOURCE PERMITS** REGISTRATION 44322  
**AIR NEW SOURCE PERMITS** REGISTRATION 44691  
**AIR NEW SOURCE PERMITS** REGISTRATION 45560  
**AIR NEW SOURCE PERMITS** REGISTRATION 45938  
**AIR NEW SOURCE PERMITS** REGISTRATION 45935  
**AIR NEW SOURCE PERMITS** REGISTRATION 46015  
**AIR NEW SOURCE PERMITS** REGISTRATION 46331  
**AIR NEW SOURCE PERMITS** REGISTRATION 46326  
**AIR NEW SOURCE PERMITS** REGISTRATION 46958  
**AIR NEW SOURCE PERMITS** REGISTRATION 48153  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0095D  
**AIR NEW SOURCE PERMITS** REGISTRATION 11762  
**AIR NEW SOURCE PERMITS** REGISTRATION 11895  
**AIR NEW SOURCE PERMITS** REGISTRATION 12117  
**AIR NEW SOURCE PERMITS** REGISTRATION 13313  
**AIR NEW SOURCE PERMITS** REGISTRATION 13534

**AIR NEW SOURCE PERMITS** REGISTRATION 48505  
**AIR NEW SOURCE PERMITS** REGISTRATION 49332  
**AIR NEW SOURCE PERMITS** REGISTRATION 49480  
**AIR NEW SOURCE PERMITS** REGISTRATION 49478  
**AIR NEW SOURCE PERMITS** REGISTRATION 50157  
**AIR NEW SOURCE PERMITS** REGISTRATION 50299  
**AIR NEW SOURCE PERMITS** PERMIT 6056  
**AIR NEW SOURCE PERMITS** REGISTRATION 7304  
**AIR NEW SOURCE PERMITS** PERMIT 8404  
**AIR NEW SOURCE PERMITS** REGISTRATION 23690  
**AIR NEW SOURCE PERMITS** REGISTRATION 24417  
**AIR NEW SOURCE PERMITS** REGISTRATION 24307  
**AIR NEW SOURCE PERMITS** REGISTRATION 32236  
**AIR NEW SOURCE PERMITS** REGISTRATION 34264  
**AIR NEW SOURCE PERMITS** REGISTRATION 37624  
**AIR NEW SOURCE PERMITS** REGISTRATION 39659  
**AIR NEW SOURCE PERMITS** REGISTRATION 40950  
**AIR NEW SOURCE PERMITS** REGISTRATION 41820  
**AIR NEW SOURCE PERMITS** REGISTRATION 44565  
**AIR NEW SOURCE PERMITS** REGISTRATION 45561  
**AIR NEW SOURCE PERMITS** REGISTRATION 45545  
**AIR NEW SOURCE PERMITS** REGISTRATION 45937  
**AIR NEW SOURCE PERMITS** REGISTRATION 45934  
**AIR NEW SOURCE PERMITS** REGISTRATION 46079  
**AIR NEW SOURCE PERMITS** REGISTRATION 46330  
**AIR NEW SOURCE PERMITS** REGISTRATION 46589  
**AIR NEW SOURCE PERMITS** REGISTRATION 47149  
**AIR NEW SOURCE PERMITS** REGISTRATION 51922  
**AIR NEW SOURCE PERMITS** REGISTRATION 11297  
**AIR NEW SOURCE PERMITS** REGISTRATION 11777  
**AIR NEW SOURCE PERMITS** REGISTRATION 12059  
**AIR NEW SOURCE PERMITS** REGISTRATION 12482  
**AIR NEW SOURCE PERMITS** REGISTRATION 13358  
**AIR NEW SOURCE PERMITS** REGISTRATION 13693

AIR NEW SOURCE PERMITS REGISTRATION 14363  
AIR NEW SOURCE PERMITS REGISTRATION 14493  
AIR NEW SOURCE PERMITS REGISTRATION 15717  
AIR NEW SOURCE PERMITS REGISTRATION 16221  
AIR NEW SOURCE PERMITS REGISTRATION 54322  
AIR NEW SOURCE PERMITS AFS NUM 4824500020  
AIR NEW SOURCE PERMITS REGISTRATION 109665  
AIR NEW SOURCE PERMITS REGISTRATION 52468  
AIR NEW SOURCE PERMITS REGISTRATION 77681  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062  
AIR NEW SOURCE PERMITS REGISTRATION 26297  
AIR NEW SOURCE PERMITS REGISTRATION 87900  
AIR NEW SOURCE PERMITS REGISTRATION 89842  
AIR NEW SOURCE PERMITS REGISTRATION 93407  
AIR NEW SOURCE PERMITS REGISTRATION 96078  
AIR NEW SOURCE PERMITS REGISTRATION 96991  
AIR NEW SOURCE PERMITS REGISTRATION 101826  
AIR NEW SOURCE PERMITS REGISTRATION 103077  
AIR NEW SOURCE PERMITS REGISTRATION 105516  
AIR NEW SOURCE PERMITS REGISTRATION 112351  
AIR NEW SOURCE PERMITS REGISTRATION 113586  
AIR NEW SOURCE PERMITS REGISTRATION 111502  
AIR NEW SOURCE PERMITS REGISTRATION 105518  
AIR NEW SOURCE PERMITS REGISTRATION 107320  
AIR NEW SOURCE PERMITS REGISTRATION 112608  
AIR NEW SOURCE PERMITS REGISTRATION 105515  
AIR NEW SOURCE PERMITS REGISTRATION 109653  
AIR NEW SOURCE PERMITS REGISTRATION 105522  
PETROLEUM STORAGE TANK STAGE II REGISTRATION 57808  
  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D  
  
POLLUTION PREVENTION PLANNING ID NUMBER P00651

AIR NEW SOURCE PERMITS REGISTRATION 14273  
AIR NEW SOURCE PERMITS REGISTRATION 15403  
AIR NEW SOURCE PERMITS REGISTRATION 16025  
AIR NEW SOURCE PERMITS PERMIT 17522  
AIR NEW SOURCE PERMITS REGISTRATION 75653  
AIR NEW SOURCE PERMITS PERMIT 56287  
AIR NEW SOURCE PERMITS REGISTRATION 52429  
AIR NEW SOURCE PERMITS REGISTRATION 75103  
AIR NEW SOURCE PERMITS REGISTRATION 77922  
AIR NEW SOURCE PERMITS PERMIT 78358  
AIR NEW SOURCE PERMITS REGISTRATION 79866L  
AIR NEW SOURCE PERMITS REGISTRATION 86268  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1  
AIR NEW SOURCE PERMITS REGISTRATION 95508  
AIR NEW SOURCE PERMITS REGISTRATION 100512  
AIR NEW SOURCE PERMITS REGISTRATION 101131  
AIR NEW SOURCE PERMITS REGISTRATION 102623  
AIR NEW SOURCE PERMITS REGISTRATION 109207  
AIR NEW SOURCE PERMITS REGISTRATION 109655  
AIR NEW SOURCE PERMITS REGISTRATION 109691  
AIR NEW SOURCE PERMITS REGISTRATION 105523  
AIR NEW SOURCE PERMITS REGISTRATION 105517  
AIR NEW SOURCE PERMITS REGISTRATION 105519  
AIR NEW SOURCE PERMITS REGISTRATION 106439  
AIR NEW SOURCE PERMITS REGISTRATION 112950  
AIR NEW SOURCE PERMITS REGISTRATION 112366  
AIR NEW SOURCE PERMITS REGISTRATION 105504  
STORMWATER PERMIT TXRNEY448  
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #  
(SWR) 30121  
POLLUTION PREVENTION PLANNING ID NUMBER P06462

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** November 19, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 19, 2008 to November 19, 2013  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Amancio R. Gutierrez      **Phone:** (512) 239-3921

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO  
3) If YES for #2, who is the current owner/operator? N/A  
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A  
5) If YES, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1      Effective Date: 06/18/2010      ADMINORDER 2009-1043-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 12E PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062; Special Condition 10 PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to perform monthly drain inspections.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits for HTU4 Charge Heater Number 2.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404, Special Condition 7B PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FKFCU1 and 2).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the HTU3 Cooling Tower (EPN: FKHTU3).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 6 PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas to 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 5B PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU, HTU4, FCCU3 and ALKY flares.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 38A PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for SO2 and NOx from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to perform monthly monitoring of a leaking valve.

Classification: Moderate



Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 56287, General Condition 8 PERMIT  
56287, Special Condition 3 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) concentration and emission limits for Combustion Turbine Generator (Gas Turbine) 34.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01368, Special Condition 18 OP  
O-01386, General Terms and Conditions OP

Description: Failure to accurately certify compliance in the Annual Compliance Certifications (ACCs).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.142(1)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to equip a drain (identified with Component Identification Tag 010) with a plug.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
Special Condition 16A PERMIT

Description: Failure to maintain the Carbon Monoxide (CO) emission rate at Boiler 29 below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable annual emission limits at Boiler 29, Boiler 32, and Boiler 33.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
4F TWC Chapter 63, SubChapter A 63.157

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 73 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to conduct the performance testing of the Continuous Catalytic Regenerator (CCR) operations at CRU4, specifically the CRU4 Caustic HCl Scrubber.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(C)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 2F OP

Description: Failure to properly report a June 2-3, 2008, emissions event.

2

Effective Date: 10/25/2010 ADMINORDER 2010-0381-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, General Condition 8 PERMIT

8404/PSD-TX-1062, Special Condition 1 PERMIT

O-01386, General Terms and Conditions OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) emission limit for the Lube Hydrogen Cracking Unit (LHCU) Prefractionator Heater.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 1A OP

Description: Failure to submit the Boiler 35 Continuous Emission Monitoring Systems (CEMS) Relative Accuracy Test Audit (RATA) within 60 days.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

Special Terms and Conditions No. 18 OP

Description: Failure to report the occurrence of deviations in deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 01386, General Terms and Conditions OP

01386, Special Condition 16 OP

8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 5 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii) MOD (2)(D)

3

Effective Date: 05/08/2011 ADMINORDER 2010-1514-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
 30 TAC Chapter 106, SubChapter A 106.6(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16 OP

Description: Failure to maintain the VOC emission rate below the allowable emission limit at the West API Separator TO, EPN: APISEP FE, as represented in the PI-7 CERT. A8(c)(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
 FOP 1386, General Terms and Condition OP  
 FOP 1386, Special Condition 16A OP

Description: Failure to maintain the NOx and CO emission rates below the allowable emission limit at the VPS4 Combined Heater Stack (EPN: SVPS4-7). EIC A8(c)(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emissions rate below the allowable emission limit at the CRU4 Combined Heater Stack (EPN: SCR4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emission rate below the allowable emission limit at the VPS2 Combined Heater Stack (EPN: SVPS2-1). A8(c)(2)(A)(ii) MOD(2)(D)

4

Effective Date: 01/27/2012 ADMINORDER 2011-0688-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
 8404/PSD-TX-1062, Special Condition 5 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

5

Effective Date: 08/02/2012 ADMINORDER 2011-2212-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 2F OP

Description: Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, the emissions event was discovered on June 28, 2011 at 5:22 a.m., but the initial notification was not submitted until June 29, 2011 at 9:03 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 5 PERMIT

FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Specifically, 1,938.16 pounds of unauthorized sulfur dioxide emissions were released during an unavoidable emissions event (Incident No. 156286) that began on June 28, 2011 and lasted five hours and 47 minutes. The release occurred when the Sulfur Recovery Unit 4 diverter valve opened to the Tail Gas Treating Unit 2 Incinerator due to a failure in a field electrical termination assembly. Since the emissions event was reported late, the Respondent is

6

Effective Date: 03/21/2013 ADMINORDER 2012-1591-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)

5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the executive director prior to making a significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)

30 TAC Chapter 290, SubChapter D 290.45(f)(4)

30 TAC Chapter 290, SubChapter D 290.45(f)(5)

Description: Failure to provide a water purchase contract that authorizes a maximum daily purchase rate or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute per connection, and that authorizes a maximum hourly purchase rate plus the actual service pump capacity of at least 2.0 gpm per connection or is at least 1,000 gpm and able to meet peak hourly demands, whichever is less.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug abandoned wells or submit test results proving that the wells are in a nondeteriorated condition.

7

Effective Date: 06/03/2013 ADMINORDER 2011-1461-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 31B PERMIT

FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16A OP

Description: Failure to maintain the VOC emissions rate below the allowable emission limit at the DCU1 Cooling Tower (EPN: FKDCU1). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 40 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the H2SO4 and VOC emission rate below the allowable emission limit by not routing emissions from the spent acid tanks (EPNs: TAL35142 and TAL35143) to the facility's vapor recovery system. A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter B 122.130(b)  
5C THSC Chapter 382 382.054  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, General Condition 11 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to obtain a FOP to operate Tank No. 2094. EIC A2(c) MOD(2)(B)

8 Effective Date: 09/30/2013 ADMINORDER 2012-2014-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4(1)

Rqmt Prov: Permit Conditions No. 2.g PERMIT

Description: Failed to prevent the unauthorized discharge of industrial waste.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Lim. & Mon. Reqs. No. 1 PERMIT

Description: Failed to comply with the permitted effluent limitations.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Reqs. No. 1 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, extended growth of grass and wooded vegetation was noted in and around impoundment Cell Nos. 2 and 3 (Outfall No. 021).

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Reqs. No. 1 PERMIT

Description: Failure by Motiva Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a large build-up of slime was noted on the inner walls of Clarifier D. In addition, the effluent weir ring was not properly leveled and was clogged in places by dead algae.

9 Effective Date: 09/30/2013 ADMINORDER 2012-1628-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 3387, General Terms and Conditions OP  
 3387, Special Condition 18 OP  
 6056/PSD-TX-1062M1, Special Condition 1 PERMIT  
 6056/PSD-TX-1062M1, Special Condition 5 PERMIT  
 Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 3387, General Terms and Conditions OP  
 3387, Special Condition 18 OP  
 6056/PSD-TX-1062M1, Special Condition 1 PERMIT  
 6056/PSD-TX-1062M1, Special Condition 5 PERMIT  
 Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

10 Effective Date: 11/01/2013 ADMINORDER 2013-0304-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 6056/PSD-TX-1062M1 Special Condition 1 PERMIT  
 O-03387 Special Condition 18 OP  
 Description: Failed to comply with the permitted NOx emissions rate of 5.22 lbs/hr for EPNs STGTU6-1 and STGTU7-1. Specifically, during stack testing conducted on July 24 through July 27, 2012, it was determined that the NOx emissions rate from EPN STGTU6-1 was 7.095 lbs/hr, resulting in the release of approximately 495 lbs of unauthorized NOx emissions. In addition, the NOx emissions rate from EPN STGTU7-1 was determined to be 5.364 lbs/hr, resulting in the release of approximately 680.83 lbs of unauthorized

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 18, 2008	(750270)
Item 2	December 19, 2008	(721889)
Item 3	February 16, 2009	(750266)
Item 4	March 18, 2009	(750267)
Item 5	April 14, 2009	(750269)
Item 6	April 17, 2009	(735807)
Item 7	May 14, 2009	(768349)
Item 8	June 10, 2009	(768350)
Item 9	July 08, 2009	(743065)
Item 10	July 28, 2009	(762778)
Item 11	July 29, 2009	(762779)
Item 12	August 11, 2009	(804648)
Item 13	August 26, 2009	(763405)
Item 14	September 15, 2009	(804649)
Item 15	September 22, 2009	(763792)
Item 16	October 05, 2009	(765337)
Item 17	October 14, 2009	(804650)
Item 18	October 29, 2009	(776147)
Item 19	November 05, 2009	(776148)
Item 20	November 12, 2009	(776479)

Item 21	November 13, 2009	(804651)
Item 22	December 15, 2009	(804652)
Item 23	January 05, 2010	(786191)
Item 24	January 06, 2010	(784719)
Item 25	January 07, 2010	(786188)
Item 26	January 13, 2010	(804653)
Item 27	February 08, 2010	(790438)
Item 28	February 12, 2010	(776149)
Item 29	February 18, 2010	(785707)
Item 30	February 24, 2010	(790004)
Item 31	March 01, 2010	(787175)
Item 32	March 16, 2010	(830881)
Item 33	March 23, 2010	(791693)
Item 34	April 13, 2010	(830882)
Item 35	May 10, 2010	(830883)
Item 36	May 26, 2010	(798314)
Item 37	June 03, 2010	(803496)
Item 38	June 15, 2010	(846268)
Item 39	June 24, 2010	(826000)
Item 40	July 05, 2010	(829489)
Item 41	July 15, 2010	(860862)
Item 42	August 19, 2010	(866829)
Item 43	August 31, 2010	(848673)
Item 44	September 16, 2010	(873900)
Item 45	October 15, 2010	(881501)
Item 46	November 15, 2010	(865974)
Item 47	November 17, 2010	(888030)
Item 48	December 20, 2010	(896239)
Item 49	December 21, 2010	(884947)
Item 50	January 03, 2011	(884857)
Item 51	January 19, 2011	(891548)
Item 52	January 20, 2011	(902305)
Item 53	January 21, 2011	(891647)
Item 54	February 01, 2011	(880655)
Item 55	February 14, 2011	(909084)
Item 56	February 15, 2011	(894736)
Item 57	February 21, 2011	(899503)
Item 58	February 23, 2011	(899893)
Item 59	March 18, 2011	(916343)
Item 60	March 22, 2011	(901784)
Item 61	April 18, 2011	(924807)
Item 62	May 12, 2011	(906804)
Item 63	May 13, 2011	(938025)
Item 64	June 13, 2011	(945348)
Item 65	July 01, 2011	(936394)
Item 66	July 19, 2011	(952622)
Item 67	August 09, 2011	(959303)
Item 68	August 15, 2011	(948878)
Item 69	August 24, 2011	(948863)
Item 70	August 30, 2011	(951060)
Item 71	September 14, 2011	(965336)
Item 72	October 12, 2011	(951037)
Item 73	October 17, 2011	(971376)
Item 74	November 16, 2011	(977535)
Item 75	December 19, 2011	(984303)
Item 76	January 09, 2012	(976534)
Item 77	January 11, 2012	(976876)
Item 78	February 20, 2012	(997965)
Item 79	February 27, 2012	(989102)
Item 80	February 28, 2012	(989101)

Item 81	February 29, 2012	(989539)
Item 82	March 20, 2012	(1003489)
Item 83	April 21, 2012	(1010053)
Item 84	May 24, 2012	(1007755)
Item 85	May 29, 2012	(1007168)
Item 86	May 30, 2012	(1007271)
Item 87	June 08, 2012	(1009200)
Item 88	June 20, 2012	(1013221)
Item 89	June 23, 2012	(1009928)
Item 90	July 10, 2012	(1015329)
Item 91	July 16, 2012	(1015617)
Item 92	July 17, 2012	(1015681)
Item 93	July 19, 2012	(1015036)
Item 94	August 07, 2012	(1021223)
Item 95	August 17, 2012	(1037939)
Item 96	August 21, 2012	(1024044)
Item 97	August 28, 2012	(1027085)
Item 98	August 29, 2012	(1029494)
Item 99	September 17, 2012	(1029492)
Item 100	September 18, 2012	(1031350)
Item 101	September 26, 2012	(1034545)
Item 102	September 28, 2012	(1031002)
Item 103	October 01, 2012	(1024020)
Item 104	October 09, 2012	(1036486)
Item 105	October 10, 2012	(1036175)
Item 106	October 13, 2012	(1027759)
Item 107	October 15, 2012	(1029690)
Item 108	October 19, 2012	(1046671)
Item 109	October 26, 2012	(1030074)
Item 110	November 15, 2012	(1043432)
Item 111	November 19, 2012	(1060871)
Item 112	November 20, 2012	(1042530)
Item 113	December 19, 2012	(1060872)
Item 114	December 27, 2012	(1046511)
Item 115	January 21, 2013	(1078962)
Item 116	January 24, 2013	(1053845)
Item 117	February 05, 2013	(1051301)
Item 118	February 17, 2013	(1078961)
Item 119	February 20, 2013	(1051441)
Item 120	February 21, 2013	(1056295)
Item 121	March 20, 2013	(1059332)
Item 122	March 25, 2013	(1073967)
Item 123	April 04, 2013	(1077185)
Item 124	April 17, 2013	(1095699)
Item 125	May 16, 2013	(1087950)
Item 126	May 20, 2013	(1106624)
Item 127	June 17, 2013	(1110300)
Item 128	July 01, 2013	(1100091)
Item 129	July 12, 2013	(1117184)
Item 130	August 13, 2013	(1103447)
Item 131	August 19, 2013	(1124940)
Item 132	August 23, 2013	(1106435)
Item 133	August 29, 2013	(1113788)
Item 134	September 17, 2013	(1129540)
Item 135	October 03, 2013	(1122073)
Item 136	October 21, 2013	(1124319)
Item 137	November 14, 2013	(1124564)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

**Published** Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from November 19, 2008, through November 19, 2013.



A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/15/2013	(1054456)	CN600124051
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SC 11E PERMIT SC 16A OP SC 1A OP		
	Description:	Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP		
	Description:	Failure to report a deviation in a Semiannual Deviation Report.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SC 11 PERMIT SC 16A OP SC 1A OP SC 61 PERMIT		
	Description:	Failure to conduct fugitive monitoring on 144 valves in volatile organic compound service.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SC 16A OP SC 1A OP SC 1B PERMIT		
	Description:	The facility failed to maintain opacity limits at Boiler 34 (EPN SPS3-4).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SC 16A OP SC 1A OP SC 6 PERMIT SC 61 PERMIT		
	Description:	Failure to maintain hydrogen sulfide emission rates for multiple sources at the facility.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SC 16A OP SC 1A OP SC 1B PERMIT		

Description: Failure to maintain nitrogen oxide limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 1A OP  
SC 1B PERMIT

Description: Failure to maintain opacity limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 1A OP  
SC 1B PERMIT  
SC 9(a) OP

Description: Failure to report an opacity exceedance in the 3rd quarter 2011 CEMS report.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a Semiannual Deviation Report.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 1A OP  
SC 5B PERMIT  
SC 61 PERMIT

Description: Failure to continuously monitor flares to confirm a flame present at all times.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 1A OP  
SC 59 PERMIT  
SC 72 PERMIT

Description: Failure to maintain records of Maintenance, Startup, and Shutdown activities involving vacuum trucks.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a deviation report.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 1A OP

Description: SC 20 PERMIT  
 Failure to maintain 1200 degrees Fahrenheit at Tail Gas Treating Unit No. 1 Incinerator (EPN STGTU-1).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 10 PERMIT  
 SC 16A OP  
 SC 1A OP  
 SC 61 PERMIT

Description: Failure to conduct monthly drain inspections at several units.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(e)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 61 PERMIT

Description: Failure to operate a closed vent system with no detectable emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 63 PERMIT

Description: Failure to maintain five Storage Tanks in good condition during the reporting period of January-June 2012.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 73(C)(3) PERMIT

Description: Failure to monitor carbon canisters on an hourly basis.  
 Self Report? NO Classification: Minor  
 Citation: 106.532, Condition (1)(N) PERMIT  
 30 TAC Chapter 106, SubChapter X 106.532(1)(N)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP

Description: Failure to maintain proper abatement of wastewater at the Wastewater Treatment Unit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 72(A) PERMIT

Description: Failure to use a control device while vacuuming gasoline with a vacuum truck.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)

## GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

2

Date: 05/01/2013 (1078296) CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 25 PERMIT  
SC 27 PERMIT

Description: Failure to conduct daily checks for hydrocarbons at the rich amine charge tanks at Amine Recovery Units 1, 2, 3 and 4.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 29A PERMIT

Description: Failure to conduct daily hydrocarbon checks at the 10- and 15-foot levels at the Sour Water Stripper Charge Level Tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 29A PERMIT

Description: Failure to conduct weekly hand-gauged checks for hydrocarbons at the Sour Water Stripper Charge Level Tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 1A OP

Description: Failure to report a deviation in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 36A PERMIT

Description: Failure to conduct olfactory, visual and auditory checks for each shift at Sulfur Recovery Units 2, 3 and 4.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

3

Date: 08/06/2013 (1101262) CN600124051

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1) 5C THSC Chapter 382 382.085(b) SC 14E PERMIT SC 18 OP SC 1A OP		
Description:	Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B) 5C THSC Chapter 382 382.085(b) SC 1A OP		
Description:	Failure to install lock-and-key mechanisms at several units to prevent bypass as reported in the 2nd quarter 2012 Benzene 40 CFR 61, Subpart FF Report.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 18 OP SC 1A OP SC 54C PERMIT		
Description:	Failure to conduct daily stain tube testing for ammonia for 5 units for the first 60 days of operation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 18 OP SC 1A OP SC 9(A) PERMIT		
Description:	Failure to maintain 6 parts per million volumetric dry of ammonia at Cogeneration Power Plant 43 and 44 (EPN SPS4-3 and SPS4-4).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PERMIT SC 18 OP SC 1A OP		
Description:	Failure to maintain emission limits at Sour Water Tanks 2076, 2077, and 2078.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 18 OP SC 1A OP SC 25 PERMIT		
Description:	Failure to prevent leaks at the Sulfur Pit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 18 OP SC 1A OP SC 8 PERMIT		
Description:	Failure to maintain nitrogen oxide emission limits at Coker Heater 2 (EPN DCU2-2).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 8 PERMIT  
 Description: Failure to maintain carbon monoxide emission limits at Coke Heater 2 (EPN DCU2-2) during a heater trip.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 23 PERMIT  
 Description: Failure to maintain 99.8% sulfur efficiency at the Sulfur Recovery Units 5 and 7.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 6 PERMIT  
 SC 61 PERMIT  
 Description: Failure to maintain hydrogen sulfide emission rates for three heaters at the facility as reported in the 3rd quarter 2012 CEMS Quarterly report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 55(A) PERMIT  
 Description: Failure to conduct a Relative Accuracy Test on a hydrogen sulfide Continuous Emission Monitor at the Fuel Gas Plant as reported in the 4th quarter 2012 CEMS Quarterly report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 70 PERMIT  
 Description: Failure to maintain an operating temperature established during performance testing Regenerator Vent at Catalytic Reforming Unit 5 as reported in the Semiannual Report for 40 CFR 63, Subpart UUU.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 72(A) PERMIT  
 Description: Failure to utilize a control device when operating a vacuum truck.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 18 OP  
 SC 1A OP  
 SC 8 PERMIT  
 Description: Failure to maintain carbon monoxide and nitrogen oxide emission rates at the No. 5 Catalytic Reforming Unit Platformer Nos. 1 and 2 Intermediate Heaters (EPN

SCRU5-1 and SCRU5-2).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 18 OP  
SC 1A OP  
SC 30 PERMIT

Description: Failure to maintain a retention time of three days at the Sour Water Stripper Surge System.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 18 OP  
SC 1A OP  
SC 6 PERMIT

Description: Failure to maintain the hydrogen sulfide emission limit at multiple sources at the facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(p)  
5C THSC Chapter 382 382.085(b)  
SC 18 OP  
SC 1A OP  
SC 70 PERMIT

Description: Failure to submit an initial start-up notification of Sour Water Stripper No. 2 and associated fugitives.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 18 OP  
SC 1A OP  
SC 8 PERMIT

Description: Failure to maintain carbon monoxide emission rates at Delayed Coking Unit Coker Heaters No. 1, 2, and 3 (EPNs SDCU2-1, SDCU2-2, and SDCU2-3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 18 OP  
SC 1A OP  
SC 30 PERMIT

Description: Failure to maintain a retention time of three days at the Sour Water Stripper Surge System.

## F. Environmental audits:

Disclosure Date: 01/15/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to install locks on bypass valves on some benzene NESHAP carbon vessel systems.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Failure to perform primary seal gap measurements on external floating roof tanks every 5 years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC15

Description: Failure to perform annual tank vapor recovery visual inspections.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)

Description: Failure to maintain monthly records of total solvent makeup for degreasers; amount brought in and amount evaporated.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC72

Description: Failure to total MSS emissions on a 12 month rolling basis instead of a 12 month block basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC69

Description: Failure to perform emissions cap calculations on quarterly basis to verify emissions did not exceed permit requirements or 12 month rolling average limits.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 8404, SC2F

Description: Failure to calculate monthly tank VOC emissions for Permit 8404 tanks.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC7

Description: Failure to maintain a list of vents subject to 30 TAC 111.111, and schedule Method 9 observations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.105

Rqmt Prov: PERMIT 117.123(a)(b)(1) and (2)

Description: Failure to comply with daily and 30-day rolling average NOx emission cap requirements.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 117.123(e)

Description: Failure to comply with Nox emission cap reporting requirements.

Notice of Intent Date: 06/26/2009 (761937)

Disclosure Date: 03/10/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to monitor for the compliance of two special conditions of the facility NSR permit.

Notice of Intent Date: 07/21/2009 (775779)

No DOV Associated

Notice of Intent Date: 02/24/2011 (905482)

No DOV Associated

Notice of Intent Date: 12/09/2011 (980864)

No DOV Associated

Notice of Intent Date: 10/11/2012 (1051293)

No DOV Associated

Notice of Intent Date: 11/13/2012 (1058513)

No DOV Associated

Notice of Intent Date: 07/08/2013 (1102689)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

**Published** Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from November 19, 2008, through November 19, 2013.



N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MOTIVA ENTERPRISES LLC  
RN100209451**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2013-0885-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 28, 2012, December 10, 2012, April 7, 2013, and July 17, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Five Thousand Six Hundred Eighty-Nine Dollars (\$35,689) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Two Hundred Seventy-Six Dollars (\$14,276) of the administrative penalty and Seven

Thousand One Hundred Thirty-Seven Dollars (\$7,137) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Fourteen Thousand Two Hundred Seventy-Six Dollars (\$14,276) shall be conditionally offset by the the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has completed the following corrective measures:
  - a. On November 8, 2012, updated start-up procedures to verify that the level controller is lined up once the thermal reactor burner is lit to prevent recurrence of emissions events due to same or similar causes as Incident No. 172374;
  - b. On December 3, 2012, made improvements to the caustic injection skid to prevent recurrence of emissions events due to same or similar causes as Incident No. 169481;
  - c. On June 24, 2013, changed alarm to high priority at 355 degrees Fahrenheit and added the temperature indicator for E-22 outlet/Surge Drum inlet temperature to more schematics in the Plant's proactive monitoring tools to prevent recurrence of emissions events due to same or similar causes as Incident No. 182149; and
  - d. On July 1, 2013, developed emission calculation templates to better determine the approximate emissions from an event within the required timeframe and instructed emission calculation preparers to provide best conservative estimates for emissions from events when calculations of actual emissions will extend beyond the 24-hour period of discovery for the event.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 8404, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. 01386, General Terms & Conditions ("GTC") and Special Terms & Conditions ("STC") Nos. 1A and 5, as documented during a record review conducted on February 15, 2013. Specifically, the Respondent released 9,714.2 pounds ("lbs") of volatile organic compounds ("VOC"), 22.5 lbs of nitrogen oxides ("NOx"), 166.01 lbs of carbon monoxide ("CO"), 61.38 lbs of hydrogen sulfide ("H<sub>2</sub>S"), 132.3 lbs of sulfur dioxide ("SO<sub>2</sub>"), 166.5 lbs of ethylene, 1,974 lbs of propylene, and 911.2 lbs of hazardous air pollutants from various emission points within the #3 Fluid Catalytic Cracking Unit ("FCCU"), during an emissions event (Incident No. 177442) that began on December 23, 2012 and lasted for two hours. The event occurred during start up of the #3 FCCU, when FCCU tail gas and off-specification propane from the Vapor Pipe Still 5 ("VPS5") were simultaneously routed to the refinery fuel gas system. This caused an over pressure of the refinery fuel gas system that resulted in flaring and two pressure relief valves venting light hydrocarbons to the atmosphere. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to submit an initial notification for Incident No. 182149 no later than 24 hours after the discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01386, GTC and STC No. 1A, as documented during a record review conducted on May 15, 2013. Specifically, the emissions event began on April 25, 2013 at 4:34 p.m., but the initial notification was not submitted until April 26, 2013 at 4:54 p.m.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 8404, SC No. 1, and FOP No. 01386, GTC and STC Nos. 1A and 5, as documented during a record review conducted on May 15, 2013. Specifically, the Respondent released 1,223.10 lbs of SO<sub>2</sub>, 81.60 lbs of propylene, 54.10 lbs of NOx, 13.30 lbs of H<sub>2</sub>S, 390.40 lbs of CO, and 879.9 lbs of other VOC from the Delayed Coking Unit Flare [Emission Point Number ("EPN") EDCU-1], during an emissions event (Incident No. 182149) that began on April 25, 2013 and lasted for 19 hours and 18 minutes. The event occurred during start up of the Delayed Coking Unit. A process upset resulted in over pressuring of the Naptha Splitter Surge Drum, resulting in flaring. Since the emissions event was not reported within 24 hours of discovery, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 1, and FOP No. 03387, GTC and STC No. 18, as documented during a record review conducted on October 22, 2012. Specifically, the Respondent released 1.44 lbs of VOC, 1,786.36 lbs of SO<sub>2</sub>, 1.45 lbs of particulate

matter ("PM"), 15.55 lbs of NO<sub>x</sub>, 0.06 lb of H<sub>2</sub>S, and 52.44 lbs of CO from the Tail Gas Treating Unit ("TGTU") No. 1 Incinerator (EPN STGTU1-1), during an emissions event (Incident No. 172374) that began on August 15, 2012 and lasted for 16 hours and 20 minutes. The event occurred during start up of the Sulfur Recovery Unit 2 ("SRU2") and TGTU No. 1. As acid gas flowed through the unit, SO<sub>2</sub> started increasing at the incinerator stack and the Hydrogen Reactor's bed temperature started rising. The Hydrogen Reactor's bed temperature tripped, and SRU2 diverted to the incinerator. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

5. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 1, and FOP No. 03387, STC No. 18, as documented during a record review conducted on September 10, 2012. Specifically, the Respondent released 0.93 lb of SO<sub>2</sub>, 30.25 lbs of PM, 0.47 lb of NO<sub>x</sub>, 0.60 lb of hexanes, 31.65 lbs of CO, and 2.42 lbs of other VOC from the VPS5 fugitive emissions (EPN FVPS5) and released 77.48 lbs of SO<sub>2</sub>, 2,518.08 lbs of PM, 38.74 lbs of NO<sub>x</sub>, 0.28 lb of H<sub>2</sub>S, 64.41 lbs of hexanes, 2,634.30 lbs of CO, and 200.73 lbs of other VOC from the VPS5 No. 1/2 Atmospheric Heater (EPN SVPS5-1), during an emissions event (Incident No. 169481) that began on June 9, 2012 and lasted for 30 minutes. The event occurred when VPS5 was accidentally contaminated with high levels of sodium hydroxide, which caused cracks in piping and other parts of VPS5, resulting in emissions to the atmosphere from the Atmospheric Heater and fugitive sources. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2013-0885-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fourteen Thousand Two Hundred Seventy-Six Dollars (\$14,276) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 177442; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pamela Hawn  
For the Executive Director

5/26/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

Feb. 10/14  
Date

Greg Wilkins  
Name (Printed or typed)  
Authorized Representative of  
Motiva Enterprises LLC

General Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2013-0885-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Motiva Enterprises LLC</b>
<b>Penalty Amount:</b>	<b>Twenty-Eight Thousand Five Hundred Fifty-Two Dollars (\$28,552)</b>
<b>SEP Offset Amount:</b>	<b>Fourteen Thousand Two Hundred Seventy-Six Dollars (\$14,276)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

Motiva Enterprises LLC  
Agreed Order - Attachment A

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### **5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.